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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,054	06/20/2003	John Marshall	007-2	5532
30080	7590	12/04/2007	EXAMINER	
LAW OFFICE OF CHARLES E. KRUEGER			TRAN, QUOC A	
P.O. BOX 5607			ART UNIT	PAPER NUMBER
WALNUT CREEK, CA 94596-1607			2176	
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			12/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

AA

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,054	MARSHALL, JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tran A. Quoc	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 September 2007 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

This is a Final Office Action on the merits. This action is responsive to Amendments/Remarks, which was filed on 09/27/2007.

Claims 1-8 are currently pending in the case, with claims 1, and 4 being the independent claims. Applicant has amended independent claims 1, 4, and has added claims 7-8.

Effective filing date is 06/20/2003, CIP of 10/348,211 filed 01/16/2003, which claimed benefit of Provisional No. 60/350,126 filed 01/18/2002, and 60/390,514 filed 06/21/2002 (Assignee: ClickTrack, Inc).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, et al. US 20020089532A1 filed 12/05/2001 [hereinafter “Cohen”], in view of Szepesvary, et al. US 20030192026A1 filed 08/09/2001 [hereinafter “Szepesvary”].

*Regarding independent claim 1*, Cohen teaches: (as amended)

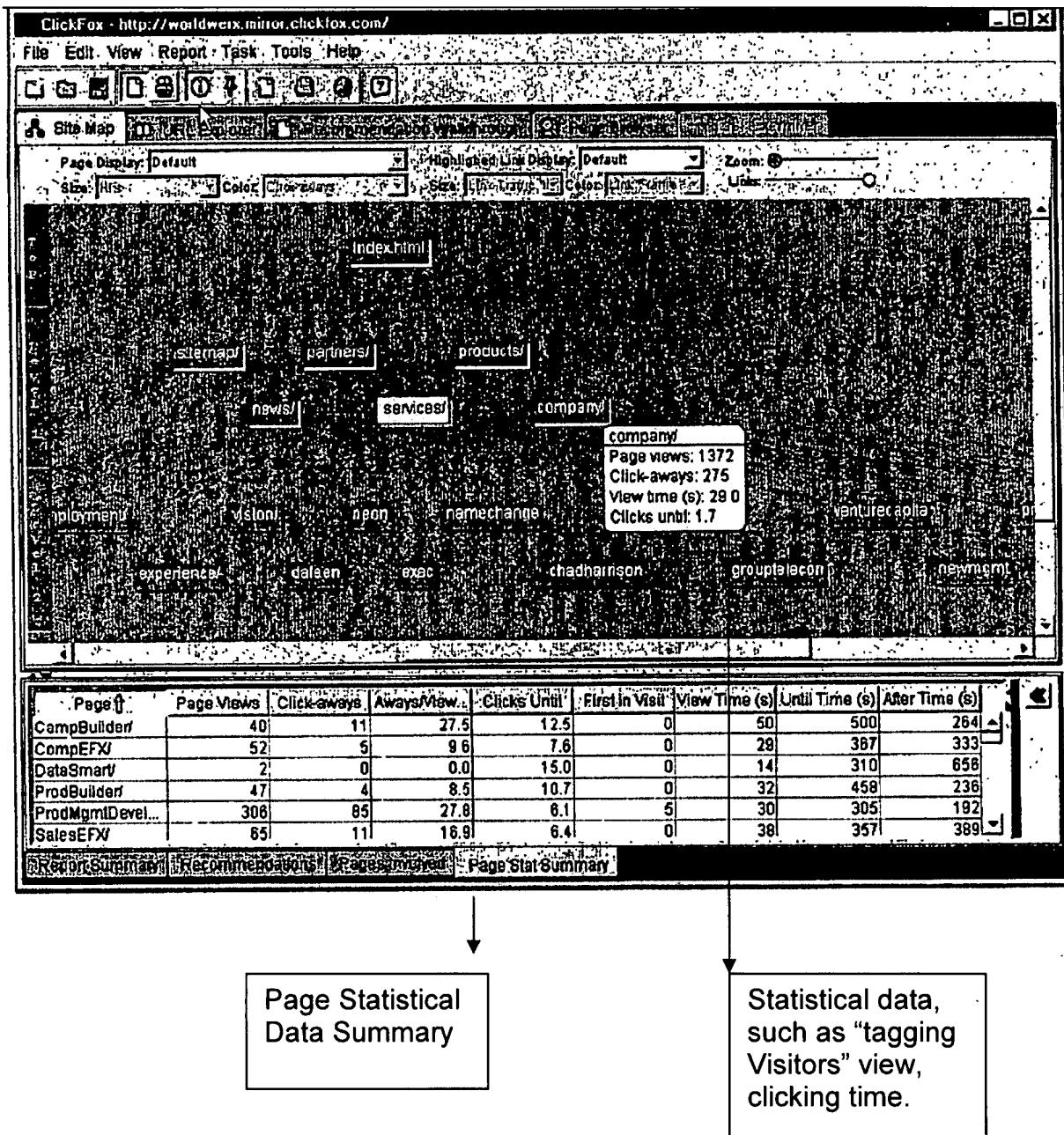
**parsing the document object of a web page located by a requested URL to determine the location and type of an element of the web page which is an element having statistics available; constructing a graphic object that conveys user interaction information about a prior use of the element based on statistics available for the element;**

(See Cohen at Para 3, describes solutions to modify the web site in according with tagging visitors information. Cohen further discloses a display device with instructions on how to graphically display the information from the system based on the input of a user. The display then shows the requested information in a graphical means to a user. The user can then modify his or her input after viewing the shown information. The processor within the invention then receives this modified input and, along with the information previous supplied by the system, alters the display to show the requested information in the new manner selected.

Also, see Cohen fig. 8-9 and Para 35, illustrating the “ClickFox” web page, include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site. This interpretation is supported by Applicant’s Specification, which states “*statistical information. These programs display, for example, the average length of time each user spends on each page, or the path they take from page to page.*,” at Page 2 Para 14, and “elements in the page are objects for which it has statistical data, “at Page 3 Para 31.

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Also, see Cohen at Fig. 7 and Para 34, discloses graphical representation is a tree oriented site map representation where each node represents a web page or a resource within the web site and arrows are used to show the relationship between the web pages or, the traversal paths followed by various users accessing the web site.



**and modifying the web page by inserting the graphic object within a hierarchy of the web page so that the graphic object is displayed overlaid partially on top of and in close proximity to the element when the object is rendered by an HTML rendering engine.**

(See Cohen at Para 36, discloses graphical representation is the use of pie charts that represent various attributes about the web page. The size of the piece of pie may represent the number of times that a particular web page was the nth stop during the visitation of the web site.

Also, see Cohen at Para 39, discloses graphical representation is for the sequence of a visitor or a particular group of visitors to be indicated by an icon symbolizing the visitor or visitors. The icon representing a visitor or visitors may move between the pages in the requested sequence.

Also, See Cohen fig. 8-9 and Para 35, illustrating the "ClickFox" web page, include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site. As shows in Fig. 9 the statistical information is overlaid in close proximity with the object (i.e. company). This interpretation is supported by Applicant's Specification, which states "*statistical information. These programs display, for example, the average length of time each user spends on each page, or the path they take from page to page.*" at Page 2 Para 14, and "elements in the page are objects for which it has statistical data, "at Page 3 Para 31.

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Also, see Cohen at Fig. 7 and Para 34, discloses graphical representation is a tree oriented site map representation where each node represents a web page or a resource within the web site and arrows are used to show the relationship between the web pages or, the traversal paths followed by various users accessing the web site.

In addition, Cohen does not expressly teach, but Szepesváry teaches:

**Parsing, constructing, and modify the document object model (DOM) of a web page.**

(See Szepesváry at the Abstract, provides methods and system for building a computer program, such as a dynamically linked library, capable of recognizing graphical user interface objects in HTML applications. The program accepts HTML DOM structures as input and processes the DOM by 1) creating one or more tokens for each parsed DOM element, and 2) parsing the generated tokens according to an application specific grammar. The program outputs user-interface objects that correspond to the graphical elements and other items displayed in the web browser.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Cohen's solutions to modify the web site in accordance with tagging visitors' information, to include a means of parsing, constructing, and modify a web page utilizing the document object model (DOM) of the web page as taught by Szepesváry. One of the ordinary skills in the art would have been motivated to modify this combination, because using a DOM, or Document Object Model, (i.e. is a tree representation of the structure of a Web document that may be used via scripts to access and manipulate any element within that page) of Szepesváry to parsing,

constructing , and modifying the web page utilizing Statistical data, such as "tagging Visitors" view, clicking time, that allows web designers to view patterns in visitor behavior concerning web sites and visitor utilization of web sites wherein the web pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4).

*Regarding independent claim 4, (as amended)*

is directed toward a computer program product comprising one or more computer readable media having computer readable program code physically embodied therein, when executed by a computer, cause the computer to perform a method of claim 1 and is similarly rejected under the same rationale (see Cohen at Para 26, and 43).

**Claim 2:** Cohen teaches:

**constructing a graph depicting an available statistical quantity for the element.**

(See Cohen at Fig. 4 and Para 39, discloses graphical representation is the use of pie charts that represent various attributes about the web page. The size of the piece of pie may represent the number of times that a particular web page was the nth stop during the visitation of the web site.)

**Claim 3:** Cohen teaches:

**constructing a chart depicting an available statistical quantity for the element.**

(See Cohen at Para 36, discloses graphical representation is the use of pie charts that represent various attributes about the web page. The size of the piece of pie may represent the number of times that a particular web page was the nth stop during the visitation of the web site.

Also, see Cohen at Para 39, discloses graphical representation is for the sequence of a visitor or a particular group of visitors to be indicated by an icon symbolizing the visitor or visitors. The icon representing a visitor or visitors may move between the pages in the requested sequence.

**Claims 5-6:** (respectively)

are directed toward a computer program product comprising one or more computer readable media having computer readable program code physically embodied therein, when executed by a computer, cause the computer to perform a method of claims 3-4 respectively and is similarly rejected under the same rationale (see Cohen at Para 26, and 43).

**Claim 7:** Cohen teaches (New)

**computer readable program code when executed operable to display the web page comprising the element, wherein the element is rendered as**

**displayed in the prior use.**

(See Cohen fig. 8-9 and Para 35, illustrating the “ClickFox” web page, include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site. This interpretation is supported by Applicant’s Specification, which states “*statistical information. These programs display, for example, the average length of time each user spends on each page, or the path they take from page to page.*,” at Page 2 Para 14, and “elements in the page are objects for which it has statistical data, “at Page 3 Para 31.

**Claim 8:** Cohen teaches (New)

**rendering the document object to display the web page comprising  
the element, wherein the element is rendered as displayed in the prior use.**

(See Cohen fig. 8-9 and Para 35, illustrating the “ClickFox” web page, include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site. This interpretation is supported by Applicant’s Specification, which states “*statistical information. These programs display, for example, the average length of time each user spends on each page, or the path they take from page to page.*,” at Page 2 Para 14, and “elements in the page are objects for which it has statistical data, “at Page 3 Para 31.

Also, see Cohen at Fig. 7 and Para 34, discloses graphical representation is a

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tree oriented site map representation where each node represents a web page or a resource within the web site and arrows are used to show the relationship between the web pages or, the traversal paths followed by various users accessing the web site.)

In addition, Cohen does not expressly teach, but Szepesvary teaches:

**rendering (DOM) to display a web page.**

(See Szepesvary at the Abstract, provides methods and system for building a computer program, such as a dynamically linked library, capable of recognizing graphical user interface objects in HTML applications. The program accepts HTML DOM structures as input and processes the DOM by 1) creating one or more tokens for each parsed DOM element, and 2) parsing the generated tokens according to an application specific grammar. The program outputs user-interface objects that correspond to the graphical elements and other items displayed in the web browser.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Cohen's solutions to modify the web site in accordance with tagging visitors' information, to include a means of parsing, constructing, and modify a web page utilizing the document object model (DOM) of the web page as taught by Szepesvary. One of the ordinary skills in the art would have been motivated to modify this combination, because using a DOM, or Document Object Model, (i.e. is a tree representation of the structure of a Web document that may be used via scripts to access and manipulate any element within that page) of Szepesvary to parsing, constructing , and modifying the web page utilizing Statistical data, such as "tagging Visitors" view, clicking time, that allows web designers to view patterns in visitor

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behavior concerning web sites and visitor utilization of web sites wherein the web pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4), and Cohen further discloses, utilizing the visitor behavior data in the form of log files and site structure at the data modeling level. This unique technology analyzes the impact of the website structure on the user experience, compares it to the anticipated user experience, and provides recommendations on site improvement. These recommendations allow web owners to find quickly an optimal match between their own business objectives for the site or segment of the site and the needs and wants of the users. The result is that users can understand in a glance where visitors are getting turned off, what they are finding interesting and why (see Cohen at Para 11).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

***Response to Arguments***

The Arguments filed on 09/27/2007 has been fully considered but they are not persuasive. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

***Conclusion***

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc A, Tran/  
Patent Examiner  
Art Unit 2176  
11/29/2007

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